

Amendment and Response

Serial No.: 10/074,262

Confirmation No.: 5027

Filed: 12 February 2002

For: METHODS OF REDUCING SKIN IRRITATION ASSOCIATED WITH SHAVING

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Remarks

The Office Action mailed 21 November 2003 has been received and reviewed. Claims 1, 20, 25, 32, and 33 having been amended, the pending claims are claims 1-45. Claims 12-14, 32, 34, and 36 having been withdrawn from consideration, claims 1-11, 15-31, 33, 35, and 37-45 are currently rejected.

Support for the amendments can be found at page 2, line 20 of Applicants specification.

Reconsideration and withdrawal of the rejections are respectfully requested.

Information Disclosure Statement

Applicants respectfully submit that the foreign and other documents submitted under cover of an Information Disclosure Statement on 11 June 2002 were received at the U.S. Patent and Trademark Office by evidence of a return receipt stamped postcard (Exhibit A), which listed the following contents: Information Disclosure Statement (2 pgs), copies of 2 applications; 1449 forms (6 pgs); copies of 115 documents cited on the 1449 form; Communication Re: Change of Address (1 pg); and transmittal document in triplicate. Applicants are confused by the fact that these documents were not attached to the file. However, Applicants understand that papers can be misplaced and are currently gathering courtesy copies of the requested documents to be sent to the Examiner for review.

The 35 U.S.C. §112, Second Paragraph, Rejection

The Examiner rejected claims 1-31 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner alleged that the term "derivative" in claims 1 (D and E), 15 (lines 5, 6, and 7), and 20 (D and E) is vague and indefinite, as the metes and bounds of these claims are unascertainable. Further, the Examiner also alleged that the term "major" in claim 25 (line 3) is a relative term, which renders the claim indefinite.

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With respect to both terms, the Examiner is respectfully requested to note that the specification does provide information sufficient for one of ordinary skill in the art to be apprised of their respective meanings. The term "derivative" is defined through example, particularly in the description of classes 11 (page 23) and 13 (page 25), for example. It is respectfully submitted that "derivative" must be read in context, for example, as "polyalkoxylated derivative," which one of skill in the art would understand upon reading Applicants' specification. Also, "a major" amount is clear to one of skill in the art. Even though it is a relative term, it is not without definition. The major component is the one present in the largest amount.

Reconsideration and withdrawal of these rejections are respectfully requested.

The 35 U.S.C. §102 and §103 Rejections

The Examiner rejected claims 1, 3-7, 10, 15, 18, 20, 23-24, 33, 38, and 45 under 35 U.S.C. §102 as being anticipated by Asmus et al. (U.S. Patent No. 6,090,395).

The Examiner rejected claims 2, 8-9, 11, 16, 17, 21, 22, 25-31, 35, 37, and 39-44 under 35 U.S.C. §103 as being unpatentable over Asmus et al. (U.S. Patent No. 6,090,395) as applied to claims 1, 3-7, 10, 15, 18-20, 23, 25, 31, 33, 38, and 45 above.

Applicants have amended the claims thereby rendering these rejections moot. Each of these claims is directed to a method, not a product, as suggested by the Examiner at page 5 of the Office Action in the discussion of In re Spada. Furthermore, the cited document does not teach or suggest applying the recited composition before, during, and/or after shaving, nor that such method would reduce skin irritation associated with shaving.

Reconsideration and withdrawal of these rejections are respectfully requested.

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Summary

It is respectfully submitted that the pending claims 1-45 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for

Wei C. Moline et al.

By

Mueeting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612) 305-1220

Facsimile: (612) 305-1228

Customer Number 26813

Feb. 23, 2004

Date

By:

Ann M. Mueeting

Reg. No. 33,977

Direct Dial (612)305-1217

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23rd day of February, 2004, at 4:48 p.m. (Central Time).

By:

Name:

Rachel Gagliardi-Gebhardt

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant(s): Wei C. MOLINE

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Title: METHODS OF REDUCING SKIN IRRITATION ASSOCIATED WITH SHAVING

Enclosed: An Information Disclosure Statement (2 pgs); copies of 2 applications; 1449 forms (6 pgs); copies of 115 documents cited on the 1449 forms; Communication Re: Change of Address (1 pg); and transmittal document (in triplicate).

Mailed: June 11th, 2002

Docket: 57451US002 (M&R 100.57451010)

AMM/rgg

Exhibit A